

SEP 09 2008

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ORDINANCE NO. 2008 -026

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; AMENDING THE MAP SERIES (TO REMOVE **E ROAD/140TH AVENUE NORTH**, FROM NORTHLAKE BOULEVARD TO SOUTHERN BOULEVARD, AND 40TH STREET NORTH, FROM ROYAL PALM BEACH BOULEVARD TO E ROAD/140TH AVENUE NORTH, FROM THE FUTURE 2020 ROADWAY SYSTEM BY NUMBER OF LANES, MAP TE 1.1, AND THE THOROUGHFARE RIGHT OF WAY IDENTIFICATION MAP, MAP TE 14.1,); AND AMENDING ALL ELEMENTS AS NECESSARY; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE 1989 COMPREHENSIVE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17;

WHEREAS, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners have initiated amendments to several elements of the Comprehensive Plan in order to promote the health, safety and welfare of the public of Palm Beach County; and

WHEREAS, the Palm Beach County Local Planning Agency conducted its public hearings on February 8, February 22, March 28, and April 11, 2008 to review the proposed amendments to the Palm Beach County Comprehensive Plan and made recommendations regarding the proposed amendments to the Palm Beach County Board of County Commissioners pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners, as the governing body of Palm Beach County, conducted a public hearing pursuant to Chapter 163, Part II, Florida Statutes, on April 28, 2008 to review the recommendations of the Local Planning Agency, whereupon the Board of County Commissioners authorized transmittal of proposed amendments to the Department of Community Affairs for review and comment pursuant to Chapter 163, Part II, Florida Statutes; and **WHEREAS**, Palm Beach County received the Department of Community Affairs "Objections, Recommendations, and Comments Report," dated July 11, 2008 which was the Department's written review of the proposed Comprehensive Plan amendments; and

WHEREAS, the written comments submitted by the Department of Community Affairs contained objections to the amendments contained in this ordinance;

WHEREAS, on August 21, 2008 the Palm Beach County Board of County Commissioners held a public hearing to review the written comments submitted by the Department of Community Affairs and to consider adoption of the amendments; and

WHEREAS, the Palm Beach County Board of County Commissioners has determined that the amendments satisfy the concerns addressed in the Department of Community Affairs' "Objections, Recommendations and Comments Report" and comply with all requirements of the Local Government Comprehensive Planning and Land Development Regulations Act.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

Part I. Amendments to the 1989 Comprehensive Plan

Amendments to the Map Series of the 1989 Comprehensive Plan are hereby adopted and attached to this Ordinance in Exhibit 1:

1. **E ROAD/140TH AVENUE NORTH TIM and 2020**, to remove E Road/140th Avenue North from Northlake Boulevard to Southern Boulevard and 40th Street North from Royal Palm Beach Boulevard to E Road/140th Avenue North from the Map Series as follows,
 - A. Future 2020 Roadway System By Number Of Lanes, TE 1.1,
 - B. Thoroughfare Right of Way Identification Map, TE 14.1;

Part II. Repeal of Laws in Conflict

All local laws and ordinances applying to the unincorporated area of Palm Beach County in conflict with any provision of this ordinance are hereby repealed to the extent of such conflict.

Part III. Severability

If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by the Court to be unconstitutional, inoperative or void, such holding shall not affect the remainder of this Ordinance.

Part IV. Inclusion in the 1989 Comprehensive Plan

The provision of this Ordinance shall become and be made a part of the 1989 Palm Beach County Comprehensive Plan. The Sections of the Ordinance may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

Part V. Effective Date

The effective date of this plan amendment shall be the date a final order is issued by the Department of Community Affairs or Administration Commission finding the amendment in compliance in accordance with Section 163.3184(1)(b), Florida Statutes, whichever is applicable. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the Florida Department of Community Affairs, Division of Community Planning, Plan Processing Team. An adopted amendment whose effective date is delayed by law shall be considered part of the adopted plan until determined to be not in compliance by final order of the Administration Commission. Then, it shall no longer be part of the adopted plan unless the local government adopts a resolution affirming its effectiveness in the manner provided by law.

APPROVED AND ADOPTED by the Board of County Commissioners of
Palm Beach County, on the 21st day of August, 2008.

ATTEST:

SHARON R. BOCK, CLERK
& COMPTROLLER

PALM BEACH COUNTY, FLORIDA,
BY ITS BOARD OF COUNTY COMMISSIONERS

By:


Deputy Clerk

By

Addie L. Greene
Addie L. Greene, Chairperson

APPROVED AS TO FORM AND LEGAL SUFFICIENCY


COUNTY ATTORNEY

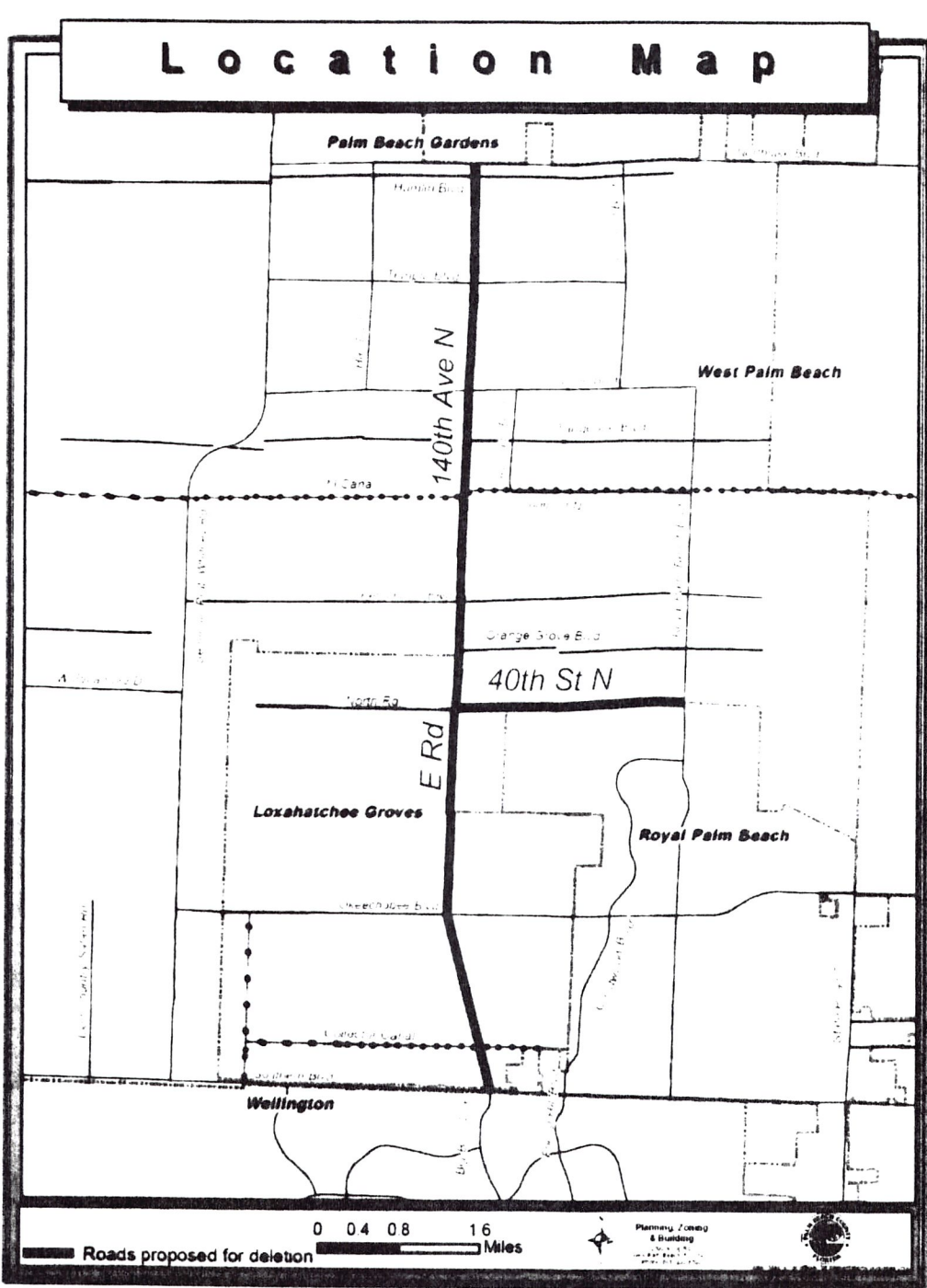
Filed with the Department of State on the 28th day of
August, 2008.

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EXHIBIT 1

A. Map Series, Future 2020 Roadway System by Number of Lanes (Map TE 1.1) & Thoroughfare Right of Way Identification Map (Map TE 14.1), E Road/140th Avenue North TIM & 2020

REVISIONS: To remove E Road/140th Avenue North from Northlake Boulevard to Southern Boulevard and 40th Street North from Royal Palm Beach Boulevard to E Road/140th Avenue North from the TIM & from the 2020 Roadway System Map



STATE OF FLORIDA, COUNTY OF PALM BEACH
I, SHARON R. BOCK, Clerk and Comptroller
certify this to be a true and correct copy of the original
filed in my office on August 21, 2008
dated at West Palm Beach, FL on 9/3/08
By: Diane Brown COUNTY CLERK
Deputy Clerk FLORIDA